

Criminal Misc. Case 01 of 2025

(Arising out of G.R. Case No. 747 of 2020)

J.O Code: WB00654

Order No. 01

Dt. 29.01.2025

Received a case record being G.R Case No. 747 of 2020 arising out of Pundibari P.S Case No. 338 of 2020 along with the copy of order dt. 09.01.2025 in connection with C.R.R 5 of 2025 passed by the Hon'ble High Court Calcutta Circuit Bench at Jalpaiguri from the Ld. Chief Judicial Magistrate, Cooch Behar by way of transmission.

Seen the order of Hon'ble Court and the case record. Let the case be registered as Criminal Misc. Case.

In compliance of order of Ld. CJM, Cooch Behar out of 9(nine) accused persons only 4(four) accused persons on court bail are present by filing separate hazira and other 3(three) accused persons namely Bina Dey, Swapan Dey and Tulu Saha on court bail are absent by petition praying for time on the ground stated therein.

Remaining 2(two) accused persons namely Sukanta Saha and Prasanta Ray have not appeared though summon was issued. However afresh notice be issued against for their appearance before the court.

Ld. Special P.P and Ld. Advocate accused persons are present.

It appears from the order of the Hon'ble Court in CRR 5 of 2025 wherein the Hon'ble Court has been pleased to pass an order that " *Petitioner appears in person and submits that Pundibari P.S Case No. 338/2020 dt. 07.09.2020 was registered for investigation under Section 506 of the Indian Penal Code.....the charge-sheet was submitted before the learned Chief Judicial Magistrate, Cooch Behar. Since the FIR was registered under the relevant provisions of the SC and ST (POA) Act, 1989 and charge-sheet was submitted in connection with the said case, the grievance of the petitioner regarding the applicability of the provisions of the SC and ST (POA) Act, 1989 should be heard by the learned Special Court having jurisdiction under the provisions of the SC and ST(POA) Act, 1989. Accordingly, I direct that the records of G.R Case No. 747 of 2020 be transmitted to the learned Special Court having authority to adjudicate the offences arising out of SC and ST (POA) Act, 1989. The concerned court will peruse the materials afresh and decide to take cognizance of the offence by exercising its discretion.*

Petitioner being the defacto complainant who has set the law into motion being aggrieved by the out come of the investigation.....with the aforesaid observations the revisional application being CRR 5 of 2025 is disposed of."

In view of direction of Hon'ble High Court the grievance of the petitioner regarding the applicability of the provisions of SC&ST (POA) at 1989 should be heard by this court being Special Court under the provision of the SC&ST (POA) at 1989 and after perusing the order of the Hon'ble Court let a date be fixed for appearance and hearing of the matter in presence of defacto complainant and accused persons for deciding to take cognizance of the offence as mentioned above.

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Let a notice be issued to defacto complainant as well as to the accused persons namely namely Sukanta Saha and Prasanta Ray at once for hearing of the matter mentioned above.

I.O of this case is directed to appear before this court positively.

To 17.02.2025 for appearance and hearing.

Accused who are bail as before.

Let a copy of this order be sent to the I.O Samir Paul, Deputy S.P(HQ), Cooch Behar through the Superintendent of Police, Cooch Behar for information and taking necessary action.

Dictated & Corrected by,

Sd/-

Addl. Sess. Judge,
1st Court, NDPS,
Cooch Behar.

Sd/-

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1st Court, NDPS
Cooch Behar.